

Notice of Allowability

Application No.

09/965,428

Examiner

Anand Bhatnagar

Applicant(s)

JONES ET AL.

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 09/11/06.
2. ☒ The allowed claim(s) is/are 165-174, 189-193, 207-212, 215-225, 238-240, 255-258, 261-264, 325, and 326.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

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1. Applicant's amendment filed on 09/11/06 has been entered and made of record.
2. Applicant has canceled claims 1-164, 175-188, 194-206, 213, 214, 226-237, 241-254, 259, 260, and 263-324. Applicant has amended claims 165-167, 171, 172, and 219. Claims 168, 169, 189-193, 207-212, 215-218, 238-240, 255-258, and 261-264 have been previously withdrawn at the time of election to examiner's restriction filed on 02/08/06.
3. This case is now allowable, therefore, examiner is including the withdrawn claims (168, 169, 189-193, 207-212, 215-218, 238-240, 255-258, and 261-264) since they are either directly or indirectly dependent from the allowed independent claims, respectively.

Allowable Subject Matter

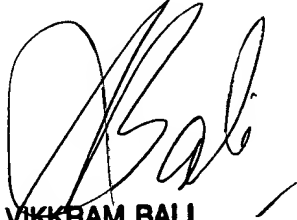
4. Claims 165-174, 189-193, 207-212, 215-225, 238-240, 255-258, 261-264, 325, and 326 are allowed.
5. Applicant's arguments, see remarks pages 13-17, filed 09/11/06, with respect to claims 165 and 219 have been fully considered and are persuasive. The 35USC 102(e) rejection of claims 165-167, 170, 174, 219-225, 325, and 326 and 35USC 103(a) rejection of claims 171 and 172 have been withdrawn.
6. Any comments considered necessary by the applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays,

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should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anand Bhatnagar whose telephone number is (571) 272-7416, whose supervisor is Jingge Wu whose number is (571) 272-7429, group fax is 571-273-8300, and Tech center 2600 customer service office number is 703-306-0377.



VIKRAM BALI
PRIMARY EXAMINER

Anand Bhatnagar

Technology Division 2624

September 24, 2006